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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually and on
behalf of all others similarly situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., MICHAEL BEEGHLEY,
JOHN O'ROURKE, and BARRY HONIG,

Defendants.

Case No. 18-cv-2293 (GC) (RLS)

**DECLARATION OF ROBERT D.
WEBER IN SUPPORT OF BARRY C.
HONIG'S MOTION TO DISMISS
PLAINTIFF'S CONSOLIDATED
THIRD AMENDED CLASS ACTION
COMPLAINT**

I, Robert D. Weber, declare as follows:

1. I am a partner of the law firm Sheppard, Mullin, Richter & Hampton LLP, counsel for Defendant Barry C. Honig. I make this declaration in support of Mr. Honig's Motion to Dismiss Plaintiffs' Consolidated Third Amended Class Action Complaint. I have personal knowledge of the facts set forth herein, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. Attached hereto as Exhibit A is a true and correct copy of Riot Blockchain's ("Riot") annual report on Form 10-K, filed with the Securities and Exchange Commission ("SEC") on April 17, 2018.

3. Attached hereto as Exhibit B is a visual line chart representing a comparison of the price of Riot stock (represented by the red line) and Bitcoin (represented by the blue line) for the period October 3, 2017 through June 30, 2022, downloaded from www.barchart.com on July 17, 2022.

4. Attached hereto as Exhibit C is a chart reflecting historical Bitcoin prices (BTCUSD) for the period June 30, 2016 through September 6, 2018, downloaded from <https://finance.yahoo.com/> on March 15, 2019.

5. Attached hereto as Exhibit D is a true and correct copy of a chart showing the historical market prices of Riot's common stock (including when Riot operated under the names Venaxis and BiOptix, Inc.), for the dates June 30, 2016 through September 6, 2018, downloaded from <https://www.nasdaq.com/> on March 14, 2019.

6. Attached hereto as Exhibit E is a true and correct copy of Riot's Form S-3, filed with the SEC on April 20, 2017.

7. Attached hereto as Exhibit F is a true and correct copy of Riot's Form S-3/A, filed with the SEC on July 19, 2017.

8. Attached hereto as Exhibit G is a true and correct copy of Riot's Form S-3/A, filed with the SEC on August 24, 2017.

9. Attached hereto as Exhibit H is a true and correct copy of Riot's Form S-3/A, filed with the SEC on September 25, 2017.

10. Attached hereto as Exhibit I is a true and correct copy of Riot's Definitive Proxy Statement on Schedule 14A, filed with the SEC on December 12, 2017.

11. Attached hereto as Exhibit J is a true and correct copy of Riot's Form S-3, filed with the SEC on January 5, 2018.

12. Attached hereto as Exhibit K is a true and correct copy of a Schedule 13D/A filed by Mr. Honig with the SEC on February 13, 2018.

13. Attached hereto as Exhibit L is a true and correct copy of Riot's current report on Form 8-K, filed with the SEC on February 3, 2020.

14. Attached hereto as Exhibit M is a true and correct copy of a letter from the SEC to Mr. Honig dated February 6, 2020.

15. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this eighteenth day of July 2022.



ROBERT D. WEBER